

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION

No. 4:09-CV-43-FL

JERRY L. SPENCER,

Plaintiff,

v.

ANTONIO WILLIAMS, MIKE  
FREEMAN and RICHARD NANNEY,

Defendants.

ORDER

This matter is before the court on the Memorandum and Recommendation ("M&R") of United States Magistrate Judge Robert B. Jones, Jr., which allowed *pro se* plaintiff's application to proceed *in forma pauperis*, but recommends that the complaint be dismissed for lack of subject matter jurisdiction. No objections to the M&R have been filed, and the time within which to make any objection has expired. This matter is ripe for ruling.

The court hereby ADOPTS the recommendation of the magistrate judge as its own, and, for the reasons stated therein, plaintiff's complaint is DISMISSED without prejudice. The clerk of court is directed to close the case.

SO ORDERED this the 16<sup>th</sup> day of June, 2009.

  
LOUISE W. FLANAGAN  
Chief United States District Judge